

	MILTON POLICE DEPARTMENT	
Subject:		
USE OF FORCE		
MPAC		
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PURPOSE

The purpose of this policy is to provide police officers with guidelines for the use of deadly and non-deadly force.

GENERAL CONSIDERATIONS

The Milton Police Department recognizes and respects the value of each human life. Because police officers are vested with the lawful authority to use force to protect the public, a careful balancing of all human interests is required prior to the use of any force.

It is the policy of this department that police officers shall use only that degree of force which appears reasonably necessary to bring an incident under control effectively, while protecting the lives of all involved. The degree of force used is dependent upon the facts surrounding the situation the officer's face. The degree of force the officer is forced to use depends upon the amount of resistance or threat to safety the situation produces.

The objective of the use of force is to maintain and/or reestablish control over a situation. Control is reached when a person complies with an officer's directions and/or the subject is restrained or apprehended and no longer presents a threat to the officer or others. Since officers will encounter a wide range of behaviors, they must be prepared to utilize a range of force options that are reasonable and necessary to maintain and/or reestablish control by overcoming resistance to the officers' lawful authority while minimizing injuries.

POLICY

It is the policy of the department that:

- 1) Officers will use reasonable force when force is used to accomplish lawful objectives such as making a lawful arrest, placing a person into protective custody, to bring an incident under control, or to protect the lives or safety of the officer and others. The use of any weapon, lethal or less lethal, while performing departmental duties is restricted to sworn personnel.
- 2) In each instance, lawful and proper force is restricted to that reasonably necessary to control and terminate unlawful resistance and to prevent any attack against the officer or another person. This includes the use of lethal and/or less lethal force with lethal and less lethal weapons. The degree of force that may be used will be determined by the facts and circumstances of the incident including but not limited to: the nature of the offense, the degree of resistance of the subject, and the threat to the safety of the officer or others.
- 3) If feasible, officers should utilize their de-escalation training and/or crisis intervention training in an attempt to de-escalate each encounter before resorting to using force.
- 4) Officers have a duty to intervene and report if another officer uses more force than authorized in this policy.
- 5) No policy or procedure for lethal or less lethal force can cover every situation officers may encounter. However, officers are expected to use proper judgment, restraint and competence, whatever the level of force required.

DEFINITIONS

Lethal Force: Any use of force that is reasonably likely to cause serious bodily injury or death.

Less Lethal Force: Any use of force that is not likely to cause serious bodily injury or death. It includes the use of approved defensive/physical tactics, aerosol sprays, baton, and K9 contact.

Passive Resistance: The preliminary level of non-compliance, where a subject, although non-compliant, offers no physical or mechanical energy enhancement towards the resistant effort.

Active Resistance: Advanced level of non-compliance, where a subject's resistance is increased in scope and intensity, and includes energy enhanced physical or mechanical defiance.

Assaultive/Bodily Harm: The officer's attempt to gain lawful compliance has been met with active, hostile, non-compliance, culminating in a perceived or actual attack upon the officers or others. The scope and severity of the attack would support the reasonable assumption that the actions of the attacker would not result in anyone's death or serious bodily injury.

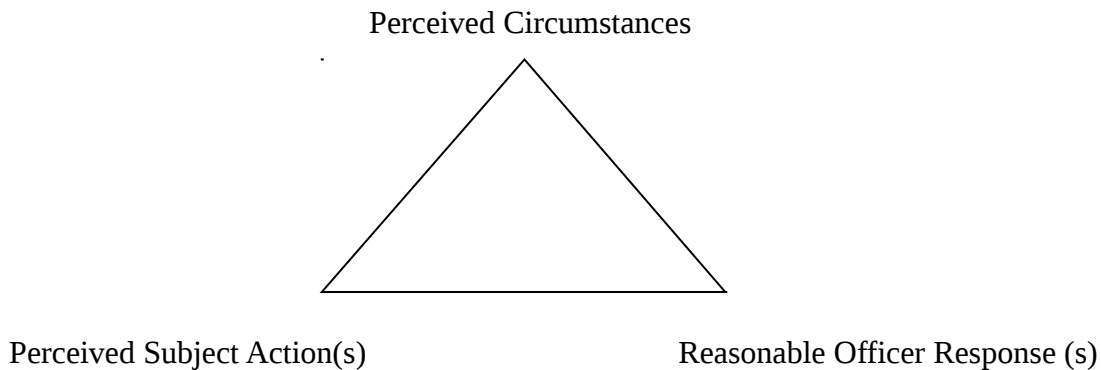
Serious Physical Injury: Injury that creates a substantial risk of death or serious permanent disfigurement, or results in long-term loss or impairment of any body part or organ.

Reasonable Belief: The known facts and circumstances that would cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.

Probable Cause: Trustworthy facts and circumstances known to an officer that would lead a reasonable person to conclude that it is more likely than not that the suspect has committed, or is committing a crime; or evidence of a crime will be found in a particular place.

Use of Force Model

MPTC USE OF FORCE REFERENCE GUIDE



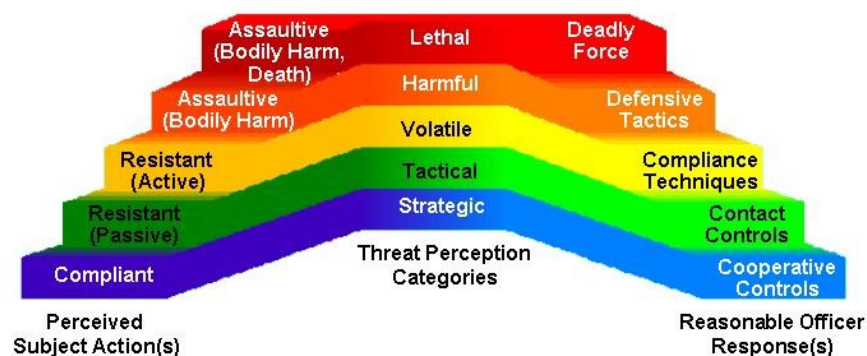
The Totality Triangle © depicts the three elements which must be considered in determining whether an application of force was objectively reasonable.

Perceived Circumstances - the officer's perspective of the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance / non-compliance from the subject; culminating in its identification on the Use of Force Model.

Perceived Subject Action (s) - the subject action (s) as perceived by the reasonable officer that designates the subject at one or more of the Use of Force Model's compliant / non-compliant categories.

Reasonable Officer Response (s) - the "balanced" response (s) appropriate for the reasonable officer's selection from the Use of Force Model's identified response categories, in order to maintain or gain subject compliance and control.

MPTC Use of Force Model



The Use of Force Model was developed in 1991 by Dr. Franklin Graves, Federal Law Enforcement Training Center and Professor Gregory J. Connor, University of Illinois Police Training Institute. TM 1998, G. Connor. All rights reserved.

Threat Perception Color Code - the tactically applied and color adapted correlation of the Threat Perception Categories on the Use of Force Model.

Control Superiority Principle © - the understanding and visualization method utilized to reinforce the inherent principle of officer force superiority over the subject's degree of compliance/non-compliance.

Assessment/Selection Arrows - the mechanism utilized to indicate the dynamic nature of an officer's decision-making process of Tactical Transition © during the enforcement encounter.

Threat Perception Categories

Strategic - the broad "mind set" of the officer, represented by the blue baseline on the Threat Perception Color Code©. The contemporary officer must maintain this functional foundation, centered upon strategies designed to enhance the status of safety.

Tactical - the second level on the Use of Force Model, depicted by the color green. Here the officer perceives an increase in threat potential within the confrontational environment and tactical procedures are designated and deployed.

Volatile - the third level on the Use of Force Model utilizing the color yellow to indicate an activated level of alertness and threat potential. Here the officer is confronted with the presence or potential of critical dynamics, including threat intensity and severity within the enforcement encounter.

Harmful - at this level on the Use of Force Model the color orange denotes an accelerated perception of threat directed upon the officer or others. In this regard the officer must deploy initial defensive force in the effort toward eventual subject compliance and control.

Lethal - the highest level on the Use of Force Model correlates to the most intense color in the Threat Perception Color Code©, red. Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and security.

Perceived Subject Action (s) Categories

Compliant - represents the vast majority of officer/citizen confrontations in the form of cooperation and control. Such cooperation is generally established and maintained via cultural acceptance and verbalization skills.

Resistant (Passive) - the preliminary level of citizen non-compliance. Here, the citizen, although non-compliant, offers no physical or mechanical energy enhancement toward the resistant effort.

Resistant (Active) - the subject's non-compliance is increased in scope and/or intensity. The subject's non-compliance now includes energy enhanced physical or mechanical defiance.

Assaultive (Bodily Harm) - the officer's attempt to gain lawful compliance has culminated in a perceived or actual attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject would not result in the officer's or other's death or serious bodily harm.

Assaultive (Serious Bodily Harm / Death) - the officer's attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such an attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject could result in serious bodily harm or death to the officer or others.

Officer Response (s) Categories

Cooperative Controls - includes controls developed to preserve officer safety and security, including: communication skills, restraint applications, etc.

Contact Controls - includes countermeasures designed to guide or direct the non-compliant subject. These "hands on" tactics could include the elbow/wrist grasp, Hand Rotation Position©, etc.

Compliance Techniques - includes countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include the Hand Rotation Technique©, aerosol irritants, directed canine bark, and muzzled canine contact.

Defensive Tactics - includes countermeasures designed to cease the subject's non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include baton strikes, kicking techniques, and canine contact.

Lethal Force - includes immediate and conclusive countermeasures designed to cease an assault which is lethal or could cause great bodily harm to the officer or others. These tactics could include the use of a firearm, lethal strikes, or tools of available means.

PROCEDURES

1) Use of Lethal Force

a) Officers are authorized to use lethal force:

- i) Only when the officer reasonably believes that the action is in defense of human life including the officers own life, or in the defense of any person in imminent danger of serious physical injury; and/or
- ii) To effect an arrest only if

- (1) The arrest is for a felony;
- (2) The officer reasonably believes that the force employed creates no substantial risk to innocent persons; and
- (3) The officer reasonably believes (has “probable cause”) that:
 - (a) The crime for which the arrest is to be made involved conduct including the use or threatened use of lethal force, or
 - (b) There is a substantial risk that the person to be arrested will cause death or serious bodily harm if such person’s apprehension is delayed.
- b) Where practicable prior to discharging a firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot. Officer should attempt to exhaust all alternatives before shooting.
- c) Firearms to Carry When off Duty: Due to the high level of training and competency, which members develop with the issued firearm, all members are strongly advised to carry the department issued pistol when they choose to carry a firearm off duty. This policy shall not be interpreted as restricting any member, who possesses a valid “License to Carry a Firearm” from carrying any firearm under the conditions of law while off duty. Said officer must qualify with said firearms through the Department training process.

2) Lethal Force Restrictions

- a) Officers may use lethal force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured when the officer reasonably believes that lethal force can be used without harm to the officer or others.
- b) Firearms shall not be discharged as a bluff, warning, or signal shot.
- c) Officers should refrain from discharging a firearm at or from a moving vehicle unless any occupant is using or threatening to use lethal force. Officers should not shoot when a vehicle is no longer an imminent threat.
- d) Chokeholds and strangleholds are prohibited unless Lethal Force is warranted.

3) Use of Less Lethal Force

- a) Where lethal force is not authorized, officers may use only that level of force that is reasonably necessary to bring an incident under control.
- b) Officers are authorized to use department-approved, less lethal force techniques and issued equipment to:
 - i) Protect the officer or others from physical harm;

- ii) Restrain or subdue a resistant individual, while making a lawful arrest or placing a person in protective custody; and/or
- iii) Bring an unlawful situation safely and effectively under control.
- c) The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. Use of restraining devices is mandatory on all prisoners, unless in the officer's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary, such as a young juvenile or a person who is handicapped or injured.

4) Medical Attention

- a) After any level of force is used, the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when:
 - i) That person has a visible injury; or
 - ii) In the case of use of pepper spray, immediately after spraying a subject, officers shall be alert to any indications that the individual needs medical care. This includes, but is not limited to breathing difficulties, gagging, profuse sweating and loss of consciousness; or
 - iii) That person complains of injury or discomfort and requests medical attention.
 - iv) Any person requesting and/or deemed in need of immediate medical attention shall be evaluated by paramedics and/or transported to a medical facility. All medical treatment received shall be noted in the officer's report.
- b) Injury to Prisoner
 - i) The officer shall promptly notify his/her immediate supervisor of the incident.
 - ii) The officer shall attempt to locate and identify all witnesses, and obtain and document their statements.
 - iii) The officer shall prepare and submit all required reports. If more than one officer is involved in a use of force incident resulting in an injury, each officer shall complete a report outlining his/her actions and observations in the incident.

5) Reporting Use of Force

- a) A Use of Force Report is required to be completed and submitted by any department member who:
 - i) Discharges a department authorized firearm, for other than training, recreational purposes or euthanizing animals.;

- ii) Takes an action that results in or is alleged to have resulted in injury or death of another person;
 - iii) Applies force through the use of lethal or less lethal weapons; or
 - iv) Applies weaponless physical force as a means to defend themselves or another. (Physical touching, gripping or holding, frisking, handcuffing or other custodial procedures are not included.)
- b) Use of Force Reports shall be completed and submitted to the Officer in Charge of the shift prior to the end of the officer's tour of duty unless circumstances dictate otherwise.
 - c) The Officer in Charge of the shift shall review the Use of Force Report. The OIC shall notify the Deputy Chief who also will review all Use of Force Reports.

6) Supervisor

- a) If available, a supervisor shall immediately respond to the scene of any incident where, as the result of the application of physical force, an officer is injured, or a prisoner has a visible injury, or complains of injury or discomfort and requests medical attention, and
- b) [S]he shall:
 - i) Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented;
 - ii) Ensure that the need for medical treatment for the prisoner is properly evaluated and provided;
 - iii) Determine if an officer of a higher rank should respond to the scene and the level of investigative services to be utilized (including photos, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs; and
 - (1) A photograph showing no injury may be as important as one which shows injury. Officers are advised to protect the privacy and confidentiality of all subjects.
 - iv) Upon entry into the police station, the Officer in Charge shall immediately examine the prisoner and if he/she finds any bruises, cuts or other injuries, shall forthwith make a written report thereof to the Chief of Police noting his/her observations.

7) Training

Every department employee authorized to carry lethal and less lethal weapons shall be issued copies of and receive instruction and training in the department's use of force policy and shall demonstrate proficiency in the use of agency authorized weapons before being authorized to carry any weapon.